

533 Rec'd PCT/PTO 04 SEP 2001

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. §371**

MERCK 2296

U.S. APPLICATION NO. (If known, see 37 CFR §1.5)

09/914831

INTERNATIONAL APPLICATION NO.

PCT/EP00/01774

INTERNATIONAL FILING DATE

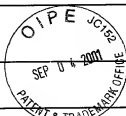
2 MARCH 2000

PRIORITY DATE CLAIMED

4 MARCH 1999

TITLE OF INVENTION

HISTIDINE PROTEIN PHOSPHATASE



APPLICANT(S) FOR DO/EO/US



KLUMPP, Susanne, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. §371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. §371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. §371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. §§1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: **Sequence Listing (Disk and Paper Copy)**

| | | | | | |
|--|--------------|---|--|--|--|
| U.S. APPLICATION NO. (if known, see 37 CFR § 1.53) 09/914831 | | INTERNATIONAL APPLICATION NO. PCT/EP00/01774 | | ATTORNEY'S DOCKET NUMBER MERCK 2296 | |
| 17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR §1.492 (a) (1) - (5)): Search Report has been prepared by the EPO or JPO..... \$860.00 International preliminary examination fee paid to USPTO (37 CFR §1.482)..... \$690.00 No international preliminary examination fee paid to USPTO (37 CFR §1.482) but international search fee paid to USPTO (37 CFR §1.445(a)(2))..... \$710.00 Neither international preliminary examination fee (37 CFR §1.482) nor international search fee (37 CFR §1.445(a)(2)) paid to USPTO..... \$1000.00 International preliminary examination fee paid to USPTO (37 CFR §1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT = \$860.00</div> | | | | CALCULATIONS PTO USE ONLY | |
| | | | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 C.F.R. § 1.492(e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 11 - 20 = | 0 | x \$ 18.00 | \$0.00 | |
| Independent claims | 3 - 3 = | 0 | x \$ 80.00 | \$0.00 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$ 270.00 | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$860.00 | |
| Reduction of 1/2 for filing by small entity, if applicable. A Verified Small Entity Statement must also be filed (Note 37 C.F.R. §§1.9, 1.27, 1.28). | | | | | |
| SUBTOTAL = | | | | \$860.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 C.F.R. § 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 | | | | | |
| TOTAL NATIONAL FEE = | | | | \$860.00 | |
| Fee for recording the enclosed assignment (37 C.F.R. §1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§3.28, 3.31). \$40.00 per property. | | | | | |
| TOTAL FEES ENCLOSED = | | | | \$860.00 | |
| | | | | Amount to be refunded: | |
| | | | | charged: | |
| a. <input checked="" type="checkbox"/> A check in the amount of \$860.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 13-3402 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-3402 . A duplicate copy of this sheet is enclosed. | | | | | |
| <p>NOTE: Where an appropriate time limit under 37 C.F.R. §§1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. §1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> | | | | | |
| SEND ALL CORRESPONDENCE TO: Customer Number 23,599 | | | | | |
|  23599 PATENT TRADEMARK OFFICE | | |  SIGNATURE John A. Sopp NAME | | |
| Filed: 4 SEPTEMBER 2001 AJZ:kmo | | | 33,103 REGISTRATION NUMBER | | |

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP00/01774
International Filing Date : 2 MARCH 2000
Priority Date(s) Claimed : 4 MARCH 1999
Applicant(s) (DO/EO/US) : KLUMPP, Susanne, et al.
Title: HISTIDINE PROTEIN-PHOSPHATASE

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

SIR:

Prior to calculating the national fee, and prior to examination in the National Phase of the above-identified International application, please amend as follows:

IN THE CLAIMS:

8. (Amended) A DNA coding for a polypeptide of claim 1.
10. (Amended) Pharmaceutical preparation comprising a polypeptide according to claim 1, where appropriate, together with suitable excipients, carriers and other active ingredients.
11. (Amended) An antibody directed to a polypeptide according to claim 1.